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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,799	11/28/2000	Kenneth H. Abbott	294438023US1	7802

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EXAMINER

WINDER, PATRICE L

ART UNIT

PAPER NUMBER

2145

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/724,799

Applicant(s)

ABBOTT ET AL.

Examiner

Patrice Winder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1-5-06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-29 and 42-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-29 and 42-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6-3-02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11-29, 42-57 are rejected under 35 U.S.C. 102(b) as being anticipated by Theimer et al., USPN 5,611,050 (hereafter referred to as Theimer).

3. Regarding claim 11, Theimer taught a method in a computer for providing information about a current state that is modeled with multiple state attributes, at least some of the state attributes having values that are requested by client-sources to be used for generating values of other state attributes (abstract), the method comprising:

receiving a request from a first client for a value of a first of the state attributes (column 8, lines 62-67, column 9, lines 1-2);

determining a client-source able to generate and supply the requested value of the first state attribute by using a value of at least one other state attribute (column 9, lines 9-14);

requesting the client-source to supply the requested value of the first state attribute (column 9, lines 24-29); and

during generating of the requested value of the first state attribute by the client-source, monitoring requests from the client-source for values of one or more indicated

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state attributes needed for the generating of the requested value of the first state attribute (column 10, lines 56-63);

monitoring other requests for values of indicated state attributes needed for generating values of state attributes that are indicated in previously monitored requests (column 11, lines 16-34); and

when it is determined that a state attribute indicated in one of the monitored requests is the first state attribute, indicating a presence of a circular reference during the generating of the requested value of the first state attribute (column 12, lines 5-60).

4. Regarding dependent claim 12, Theimer taught the value of the indicated first state attribute that is requested in the one monitored request is needed for generating a value of another state attribute (column 8, lines 62-67), and

wherein the indicating of the presence of the circular reference includes halting the generating of the value of the another state attribute (column 12, lines 52-64).

5. Regarding dependent claim 13, Theimer taught the value of the indicated first state attribute that is requested in the one monitored request is needed for generating a value of another state attribute (column 8, lines 62-67), and including:

after the determining that the state attribute indicated in the one monitored request is the first state attribute, determining a manner of generating the value of the another state attribute without needing the value of the first state attribute; and facilitating the generating of the value of the first other state attribute in the determined manner (column 11, lines 16-34).

6. Regarding dependent claim 14, Theimer taught in the value of the indicated first state attribute that is requested in the one monitored request is needed for generating a value of another state attribute, and including:

after the determining that the state attribute indicated in the one monitored request is the first state attribute, determining an alternate state attribute whose value can replace a need for the value of the another state attribute; and facilitating a generating of the value of the alternate state attribute (column 12, lines 16-51).

7. Regarding dependent claim 15, Theimer taught the received request from the first client additionally indicates that the client-source is to be the source of the requested first state attribute value (column 8, lines 62-67, column 9, lines 1-2), and wherein the determining of the client-source is based on the receiving of the indication (column 16, lines 26-35).

8. Regarding dependent claim 16, Theimer taught including, before the requesting of the client-source to supply the requested value of the first state attribute, determining whether a previously obtained value satisfies a criteria for the requested value, and wherein the requesting is performed only when it is determined that the previously obtained value does not satisfy the criteria (column 21, lines 1-14).

9. Regarding dependent claim 7, Theimer taught including receiving the value of the first state attribute from the client-source and supplying the received value to the first client (column 11, lines 16-34).

10. Regarding dependent claim 18, Theimer taught including determining whether a requested value of an indicated state attribute is needed for the generating of a value of

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another state attribute that is indicated in one of the monitored requests based on an identifier related to the generating of the first state attribute value that is included in the request (column 22, lines 48-67).

11. Regarding dependent claim 19, Theimer taught the multiple state attributes represent information about a user of the computer (column 8, lines 11-27).

12. Regarding dependent claim 20, Theimer taught the represented information reflects a modeled mental state of the user (column 10, lines 20-38).

13. Regarding dependent claim 21, Theimer taught the multiple state attributes represent information about the computer (column 7, lines 24-30).

14. Regarding dependent claim 22, Theimer taught the multiple state attributes represent information about a physical environment (column 7, lines 24-30).

15. Regarding dependent claim 23, Theimer taught the multiple state attributes represent information about a cyber-environment of a user of the computer (column 8, lines 29-37).

16. Regarding dependent claim 24, Theimer taught receiving of the requested value by the first client prompts the first client to present information to a user of the first client (column 11, lines 16-34).

17. The language of the remaining claims is substantially the same as previously rejected claims 11-24, above. Therefore, the remaining claims are rejected on the same rationale as previously rejected claims 11-24, above.

Response to Arguments

18. Applicant's arguments filed January 5, 2006 have been fully considered but they are not persuasive.

19. Applicant argues – “Accordingly, as one example of the recited features not disclosed by Theimer, each of the rejected claims recites determining circular references arise during generation of an attribute clause, such as monitoring requests for values of state attributes for use in generating a value of another state attribute.”

a. Using the registrations in the Location Service, circular references (i.e. callbacks) are determined anytime there is a detected change in the UserAgent state (column 12, lines 5-60).


Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink that reads "Patrice Winder". The signature is written in a cursive style with a large, looping initial "P".

Patrice Winder
Primary Examiner
Art Unit 2145

March 20, 2006